



Kansas Bureau of Investigation

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EXECUTIVE SUMMARY

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The Kansas Sexual Assault Kit Initiative (SAKI): *Evaluating Suspect Criminal History Demographics to Prioritize Testing* September 28, 2017

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Background

In March 2017, the Kansas Bureau of Investigation (KBI) identified over 2,200 previously unsubmitted sexual assault kits (SAKs) throughout the state (Kansas Bureau of Investigation, 2017). From this initial inventory, 12 local law enforcement agencies were identified and submitted a portion of their inventory for DNA testing (hereafter known as the "cross-sectional sample"). Information from these SAKs was used to develop evidence-based recommendations to address the remaining statewide inventory. While testing is still underway, the preliminary analysis is consistent with prior research regarding perpetrators of sexual assault and their propensity to reoffend, posing a higher risk to public safety.

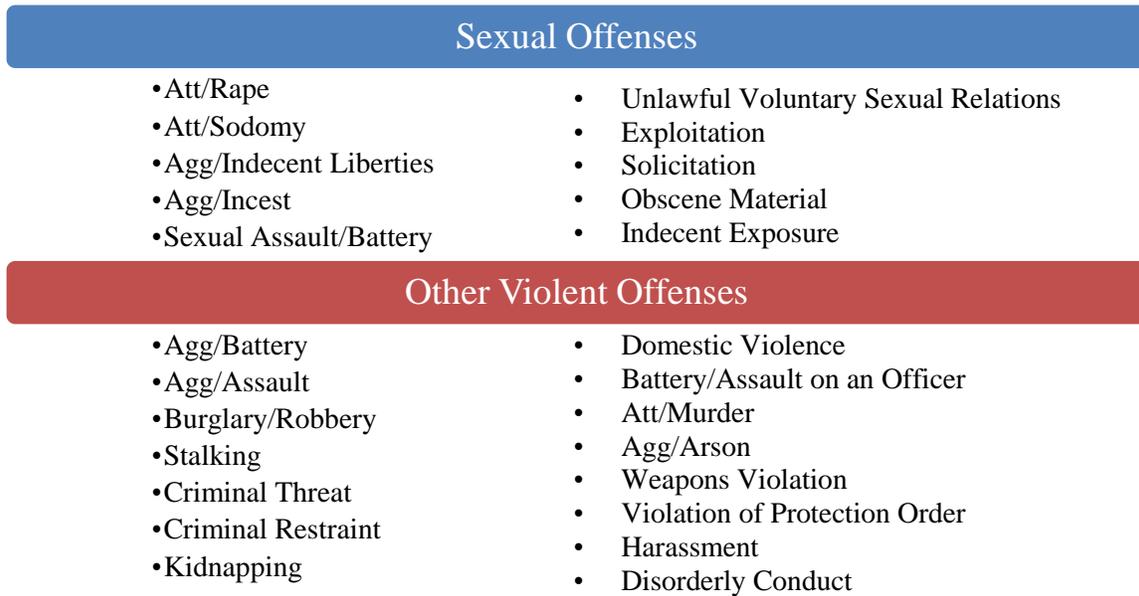
Preliminary Data Analysis

As of June 1, 2016, the KBI collected data from the cross-sectional, gathering information from a total of 496 SAKs. Of these cases, 252 (51%) had assailants "known" to the victim. This includes acquaintances, family, intimate partners, and other relationships (hereafter referred to as "victim-identified suspects"). The remaining 244 (49%) cases had unnamed¹ suspects. For cases in which the assailant was known, their personally identifying information was used to gather their criminal history.² In assessing the collected criminal histories, we focused on evaluating the presence of sexual offenses and other violent offenses (see *Figure 1*).

¹ Cases in which the suspect was unnamed at the time of reporting, either due to ongoing data collection from the pilot agency, or lack of information provided at the time of reporting.

² Criminal history includes if the suspect was arrested, convicted or identified as a suspect in a separate sexual or violent offense.

Figure 1: Sexual and Other Violent Offenses Tracked in Victim-Identified Suspects' Criminal Histories



Of the 252 cases with victim-identified suspects, 206 (82%) had a criminal history in National Crime Information Center, Interstate Identification Index and/or Kansas Incident Based Reporting System. Using the date on which the SAKI related SAK was collected as a baseline, suspect offenses were assessed as “Prior” (offenses that occurred *before* the collection of the SAK) and “Post” (offenses that occurred *after* the collection of the SAK) (see *Figure 2*).

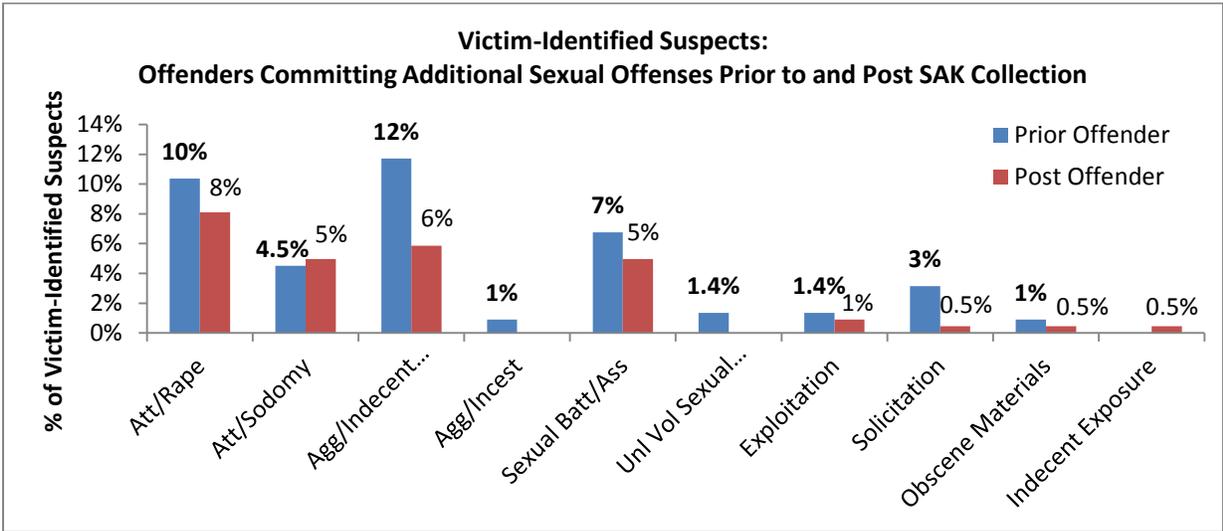
Figure 2: Overview of Victim-Identified Suspect Cases in the Cross-Sectional Sample



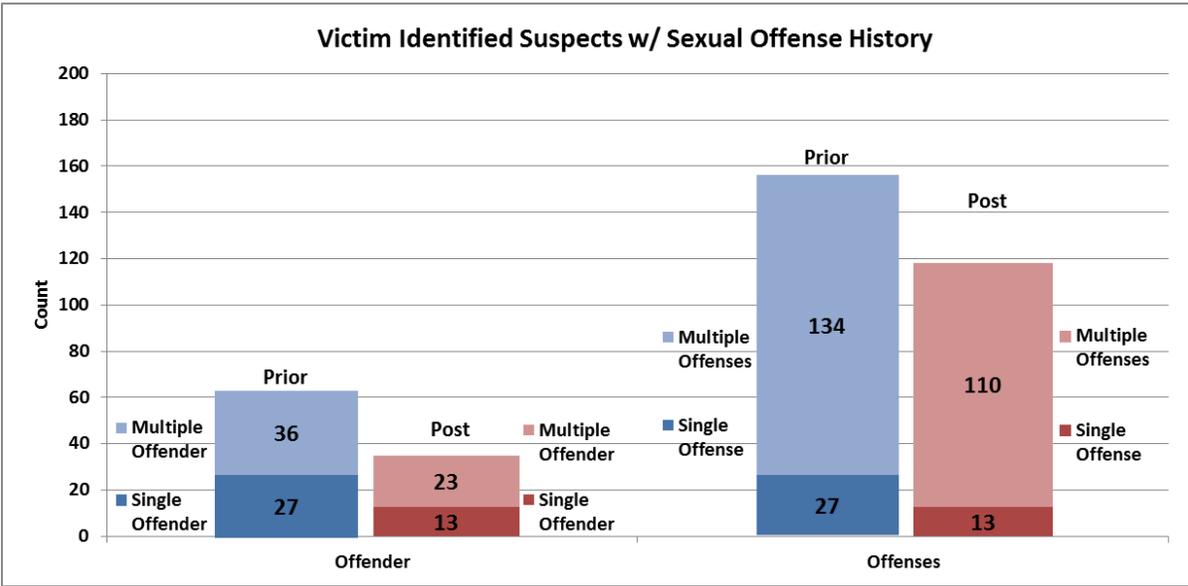
More than one third (n=84) of victim-identified suspects committed at least one other sexual offense. Of those, 74% committed sexual offenses prior to and 43% committed sexual offenses post SAK collection (see *Figure 3A*). The most common sexual offenses committed included indecent liberties, rape, and sexual battery/assault. Among the 62 offenders with a prior sexual offense, 56% committed more than one additional prior sexual offense at an average of 3.7 sexual offenses per offender. Among the 36 offenders with a post sexual offense, 66% committed more than one additional sexual offense post SAK collection at an average of 4.8 sexual offenses per offender (see *Figure 3B*).

Figure 3: Victim-Identified Suspects with Sexual Offense History

A. A total of 84 victim-identified suspects have committed additional sexual offenses: 62 (74%) committed prior offenses and 36 (43%) committed post offenses.



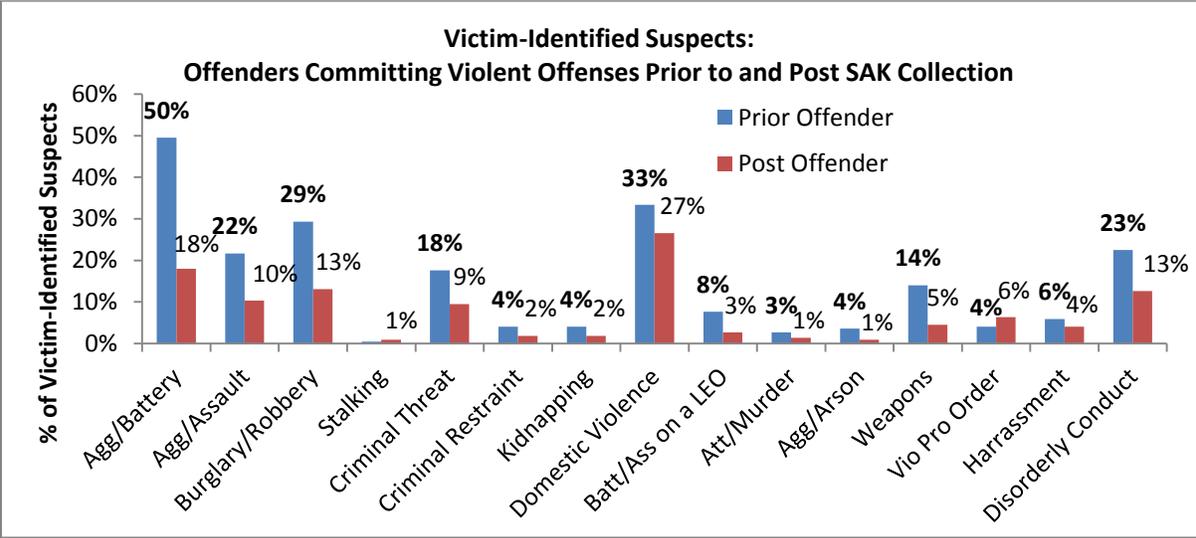
B. Of the 62 offenders that committed sexual offenses prior to SAK collection, 35 committed multiple sexual offenses averaging 3.7 offenses per offender. Comparatively, 38 offenders went on to commit sexual offenses post SAK collection. Of these offenders, 25 committed multiple sexual offenses at an average of 4.9 offenses per offender.



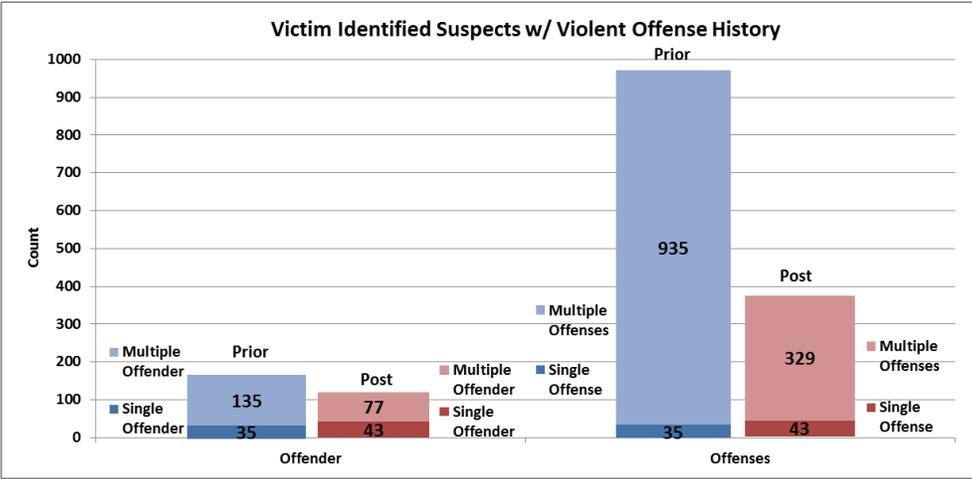
When compared to the propensity to commit other sexual offenses, victim-identified suspects had significantly higher rates of other violent offenses in their criminal histories. Nearly 80% (n=199) of the suspects committed at least one other violent offense. The most common violent offenses committed include aggravated battery, domestic violence, and burglary/robbery (see *Figure 4A*). Among the 172 offenders with a prior violent offense, 79% committed multiple prior violent offenses at an average of 6.9 violent offenses per offender. Among the 122 offenders with a post violent offense, 63% committed multiple violent offenses after SAK collection at an average of 4.1 violent offenses per offender (see *Figure 4B*).

Figure 4: Victim-Identified Suspects with Violent Offense History

A. A total of 199 victim-identified suspects have committed an additional violent offense: 172 (86%) committed prior offenses and 122(61%) committed post offenses.



B. Of the 165 offenders that committed other violent offenses prior to the SAK collection, 135 committed multiple prior violent offenses at an average of 6.9 violent offenses per offender. Similarly, 77 offenders went on to commit multiple other violent offenses post SAK collection at an average of 4.1 violent offenses per offender. It should be noted that 22% of post violent offenders had no prior violent offense (i.e., the offender escalated to other violent offenses after the collection of the SAK).



The Significance of Criminal History Demographics

Our preliminary analysis of the cross-sectional sample has revealed important patterns in offending among perpetrators of sexual assault. First, the analysis indicates that sexual assault perpetrators are typically not one-time offenders and are not “specialists” with regard to criminal activity. In other words, in addition to the sexual assault, offenders are committing other sexual and violent crimes. In the cases examined here, 82% of the 252 victim-identified suspects committed other sexual and/or violent crimes in addition to the offense for which the SAK was collected. This pertained to criminal activity before and after the collection of the SAK. As significant as this is, it is important to note that this research is limited to analyzing only reported crime.³

54% of victim-identified suspects continued to commit additional sexual and other violent offenses after the SAK was collected.

Moreover, we found that the victim-identified suspects often continued to commit additional sexual offenses and other violent offenses after the SAK was collected. Within our analysis, 54% of victim-identified suspects committed a sexual and/or other violent offense after the SAK collection date. **In other words, when these offenders were not held accountable for the offense which the SAK was collected, they went on to commit additional offenses.**

These findings are consistent with prior research regarding perpetrators of sexual assault and their propensity to reoffend. In a 2002 study, the majority of rapists whose actions were never reported to law enforcement admitted to committing additional acts of rape and other acts of interpersonal violence on adults and children (Lisak and Miller, 2002). A 2004 review of factors that contribute to recidivism of sexual offenders identified prior criminal history as a key predictor of the likelihood of future reoffending (Hanson and Morton-Bourgon, 2004).

The preliminary results of the SAKI data suggest suspect criminal history may be a useful factor in developing a plan to address the remaining statewide inventory of unsubmitted SAKs. Prioritization of cases involving known repeat offenders can assist in ensuring public safety and potentially prevent additional offenses committed by these suspects.

Developing a Testing Prioritization for the Cross-Sectional Sample

Among the cross-sectional sample, of the victim-identified suspects with a criminal history, 32% committed additional acts of sexual violence involving physical contact. These offenses include attempted/rape, aggravated/indecent liberties, attempted/sodomy and sexual battery/assault.⁴ The SAKI multidisciplinary working group identified this group of offenders as “Serial Sexual Offenders” based on their pattern of committing multiple sexual offenses. These Serial Sexual Offenders account for 725 total sexual and other violent offenses and commit these acts at an average of 10 offenses per offender.

The 206 victim-identified suspects with a criminal history commit an average of 3.4 sexual offenses and 7.0 violent offenses per offender. This is approximately 10 total offenses per offender. However, when considering sexual and violent offenses collectively, 30% of the victim-identified suspects account for 1075 offenses and average 17.6 offenses per offender. We considered these suspects as “High Frequency

³ Other offenses may have been committed by the suspects, but were never reported to law enforcement. This study does not account for these unreported offenses.

⁴ Excluding the offense for which the SAK was collected (i.e. these are additional incidents of the listed crimes).

Offenders” because they commit a higher number of offenses than the average offender in the cross-sectional sample. These High Frequency Offenders account for 63% of all scored offenses and have displayed a high propensity for committing multiple sexual and/or other violent offenses.

Recognizing the potential threat to public safety posed by suspects with a propensity to re-offend, the SAKI multidisciplinary working group utilized the criminal history demographics of victim-identified suspects to develop a model to prioritize testing of SAKs in the cross-sectional sample (see *Figure 3*).

Figure 3: Kansas SAKI Cross-Sectional Sample Testing Priorities

Priority 1	Serial Sexual Offenders
	Unnamed Suspects
Priority 2	High Frequency Offenders
	Suspects With a Tracked Criminal History
	Suspects Without a Tracked Criminal History
Priority 3	Death Investigations
	Cases with Prior Court Dispositions

Priority 1 accounts for roughly 30% of the cross-sectional sample. Cases in this priority were tested at a 1:1 ration, alternating between Serial Sexual Offenders and cases in which the suspect is unnamed. It is important to note that cases in the Unnamed Suspects category do not necessarily represent stranger assaults. Instead, these are cases in which the victim did not provide a suspect name at the time of reporting, or the project was not provided information regarding the suspect in the case.

Priority 2 includes nearly 53% of the cross-sectional sample. High Frequency Offender cases were tested first in this priority level as these suspects have displayed a pattern of continued criminal behavior and pose a greater risk to public safety. Cases with suspects with a tracked criminal history and cases with victim-identified suspects that do not have a tracked criminal history were also tested as part of Priority 2.

Priority 3 cases have the lowest testing priority and accounts for roughly 17% of the cross-sectional sample. SAKs collected as a matter of protocol in a death investigation with no suspicious circumstances are believed to be the least likely to result in new investigative leads. SAKs with related court dispositions are typically cases in which prosecution was commenced without forensic analysis of the SAK. While it is still possible that these cases may generate new investigative leads, the likelihood is believed to be much lower than the cases in Priority 1 and 2.

Next Steps

Forensic analysis of the cross-sectional sample is complete and the results have been analyzed to assess the discussed prioritization model. This analysis will be used to develop an evidence-based recommendation to address the remaining statewide inventory while focusing on public safety within our communities by identifying offenders, holding them accountable and preventing future victimization.

References

Hanson, R.K. & Morton-Bourgon, K. (2004). *Predictors of Sexual Recidivism: An Updated Meta-Analysis* (Canada, Public Safety Canada, Public Safety and Emergency Preparedness Canada). Retrieved April 4, 2017, from <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2004-02-prdctrs-sxl-rcdvsm-pdtd/index-en.aspx>

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Lisak, D. & Miller, P.M. (2002). Repeat Rape and Multiple Offending Among Undetected Rapists, *Violence and Victims*, 17(1), 73-82.